

APR. 20. 2004 5:00PM

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**FACSIMILE TRANSMISSION**

**FOLEY & LARDNER LLP  
ATTORNEYS AT LAW**

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**Total # of Pages: 21 (including this page)**

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| Examiner J. Woitach - Art Unit 1632<br>U.S. Patent and Trademark Office | (703) 305-3732 | (703) 872-9306 |

From : Stephen E. Reiter *SR*  
Email Address : sreiter@foley.com  
Sender's Direct Dial : 858.847.6711  
Date : April 20, 2004  
Client/Matter No : 088802-5211  
User ID No : 1877

**MESSAGE:**

**OFFICIAL**

U.S. Patent Application No. 09/840,008

Following are:

Amendment Transmittal (3 pgs. - in dupl. = 6 pgs.);  
Petition for Extension of Time (2 pgs.);  
Response (12 pgs.).

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Atty. Dkt. No. SALK2270-4  
(088802-5211)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Evans et al.


Title: XENOBIOTIC COMPOUND  
MODULATED EXPRESSION  
SYSTEMS  
AND USES THEREFOR

Appl. No.: 09/840,008

Filing Date: 4/20/2001

Examiner: J. Woitach

Art Unit: 1632

|  |
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APR 20 2004

**AMENDMENT TRANSMITTAL**Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Applicants claim Small Entity status under 37 C.F.R. § 1.27.☒ A Petition for Extension of Time is enclosed.☒ The fee required for additional claims is calculated below:

|                        | Claims<br>As<br>Amended |   | Previously<br>Paid For |   | Extra<br>Claims<br>Present |   | Rate    |   | Additional<br>Claims Fee |
|------------------------|-------------------------|---|------------------------|---|----------------------------|---|---------|---|--------------------------|
| Total Claims:          | 26                      | - | 26                     | = | 0                          | x | \$18.00 | = | \$0.00                   |
| Independent<br>Claims: | 6                       | - | 6                      | = | 0                          | x | \$86.00 | = | \$0.00                   |

Atty. Dkt. No. SALK2270-4  
(088802-5211)

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First presentation of any Multiple Dependent Claims: + \$290.00 = \$0.00CLAIMS FEE TOTAL = \$0.00

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☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

|  |            |          |
|--|------------|----------|
| <input type="checkbox"/> Extension for response filed within the first month:            | \$110.00   | \$0.00   |
| <input type="checkbox"/> Extension for response filed within the second month:           | \$420.00   | \$0.00   |
| <input checked="" type="checkbox"/> Extension for response filed within the third month: | \$950.00   | \$950.00 |
| <input type="checkbox"/> Extension for response filed within the fourth month:           | \$1,480.00 | \$0.00   |
| <input type="checkbox"/> Extension for response filed within the fifth month:            | \$2,010.00 | \$0.00   |
| EXTENSION FEE TOTAL:   |            | \$950.00 |
| <input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):               | \$110.00   | \$0.00   |
| CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:  |            | \$950.00 |
| <input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):       |            | \$475.00 |
| TOTAL FEE:   |            | \$475.00 |

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☒ Please charge Deposit Account No. 50-0872 in the amount of \$475.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$\_\_\_\_\_.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. SALK2270-4  
(088802-5211)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: April 20, 2004

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

By



Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

DUPLICATE

Atty. Dkt. No. SALK2270-4  
(088802-5211)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Evans et al.

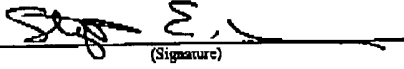
Title: XENOBIOTIC COMPOUND  
MODULATED EXPRESSION  
SYSTEMS  
AND USES THEREFOR

Appl. No.: 09/840,008

Filing Date: 4/20/2001

Examiner: J. Woitach

Art Unit: 1632

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| Stephen E. Reiter   |  |
| (Printed Name)  |  |
|   |  |
| (Signature)   |  |
| April 20, 2004  |  |
| (Date of Deposit)   |  |

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Alexandria, Virginia 22313-1450

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|                        | Claims<br>As<br>Amended |   | Previously<br>Paid For |   | Extra<br>Claims<br>Present |   | Rate    |   | Additional<br>Claims Fee |
|------------------------|-------------------------|---|------------------------|---|----------------------------|---|---------|---|--------------------------|
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Atty. Dkt. No. SALK2270-4  
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First presentation of any Multiple Dependent Claims: + \$290.00 = \$0.00CLAIMS FEE TOTAL = \$0.00

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|  |            |          |
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| <input type="checkbox"/> Extension for response filed within the second month:           | \$420.00   | \$0.00   |
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Atty. Dkt. No. SALK2270-4  
(088802-5211)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: April 20, 2004

FOLEY & LARDNER LLP

Customer Number: 30542

Telephone: (858) 847-6711

Facsimile: (858) 792-6773

By



Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

PATENT  
Attorney Docket No.: SALK2270-4  
(088802-5211)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Evans et al.

Application No.: 09/840,008

Confirmation No.: 3075

Filing Date: April 20, 2001

For: XENOBIOTIC COMPOUND  
MODULATED EXPRESSION SYSTEMS  
AND USES THEREFOR

Group Art Unit: 1632

Examiner: J. Woitach

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the United States Patent and Trademark Office, Washington,  
D.C., on the date below.

Stephen E. Reiter

Printed Name

[Signature]  
Signature

April 20, 2004  
Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

Responsive to the Office Action mailed October 20, 2003 (Paper No. 21), please consider the following amendments and remarks. This response is timely as it is accompanied by a petition and the appropriate fee to extend the time for response to April 20, 2004 (3-month extension).

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 9 of this paper.